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FACT SHEET

March 2009

Violence Against Women Education Project

Domestic violence, sexual assault, stalking, teen dating violence, and elder abuse are critical issues facing family, criminal, and juvenile courts in California. The Violence Against Women Education Project (VAWEP) is an initiative designed to provide the courts with information, technical assistance, educational materials, and programs on the courts' role in responding to cases involving these issues. VAWEP is a project of the Center for Families, Children & the Courts (CFCC) of the Administrative Office of the Courts (AOC) and is being implemented in collaboration with the AOC Education Division/Center for Judicial Education and Research (CJER). The project is funded by the California Emergency Management Agency (CalEMA) with resources from the federal Office on Violence Against Women (OVW). The project's planning committee, composed of judicial officers, prosecutors, defense attorneys, attorneys with expertise in the field of domestic violence, victim advocates, and other experts, guides the project staff in identifying key training issues and developing appropriate educational programming. Efforts to develop and augment educational events and curricula related to domestic violence, sexual assault, stalking, teen dating violence, and elder abuse are ongoing and are designed to be responsive to the identified needs of California courts.

Project Goals

The goals of VAWEP are to:

- Identify primary educational and informational needs of the courts on domestic violence, sexual assault, stalking, teen dating violence, and elder abuse issues;
- Initiate new judicial branch educational programming pertaining to domestic violence, sexual assault, stalking, teen dating violence, and elder abuse issues, including the delivery of regional training events and the enhancement of existing programming;

- Develop and compile useful information for the courts on domestic violence, sexual assault, stalking, teen dating violence, and elder abuse issues that relates specifically to California law;
- Institutionalize inclusion of domestic violence, sexual assault, stalking, teen dating violence, and elder abuse issues in all relevant judicial branch education curricula, programs, and publications;
- Create incentives to increase attendance and participation in judicial branch education relating to domestic violence, sexual assault, stalking, teen dating violence, and elder abuse issues;
- Increase communication among courts about best practices in domestic violence, sexual assault, stalking, teen dating violence, and elder abuse cases;
- Provide jurisdiction-specific technical assistance on domestic violence, sexual assault, stalking, teen dating violence, and elder abuse issues of the greatest importance to local courts;
- Create educational tools that aid in the administration of justice for self-represented litigants in domestic violence cases;
- Enhance access to and improve the administration of justice for Native American victims of domestic violence, sexual assault, stalking, teen dating violence, and elder abuse (New); and
- Develop online courses for judicial officers and court staff relating to court procedure and policy in the areas of domestic violence, sexual assault, stalking, teen dating violence, and elder abuse (New).

Educational Events and Technical Assistance

**Domestic Violence–Related Courses at the Continuing Judicial Studies Program (CJSP) (January 2009) and
Family Law, Criminal Law, Juvenile Law, and Probate Law Overview Courses (November 2008, January, June, and September 2009)**

VAWEP develops, staffs, and sponsors a series of in-depth courses on domestic violence, sexual assault, stalking, teen dating violence, and elder abuse issues that are integrated into these showcase programs of CJER.

Continuing Judicial Studies Program (CJSP)

Winter CJSP: Assessing Dangerousness in Criminal Domestic Violence Cases
January 2009 Immigration In Criminal Domestic Violence Cases

Two courses make up a full-day program for judicial officers assigned to a criminal department or a specialized domestic violence criminal calendar. The first course focuses on risk assessment research relating to domestic violence and practical implications for judicial decisionmaking in criminal domestic violence cases. Building on the research, faculty uses a sample case file to discuss the practical application of this information. The course also features highlights and analysis of the judicial decisions that require risk assessment in criminal domestic violence cases.

The second course focuses on the special problems related to immigration issues in criminal domestic violence cases. Immigration issues increasingly affect judicial decision making, the nature of the information presented to the court, and safety issues in criminal domestic violence cases. The course provides a broad overview of the elements of immigration law that may affect decisions in these cases and an understanding of the challenges facing victims of domestic violence as a result of the immigration concerns and status of the parties.

Overview Courses

The AOC offers week-long programs in family law, juvenile law, criminal law, and probate designed for judicial officers new to the relevant assignment. These courses are sometimes offered at stand-alone overview programs or in conjunction with CJSP. The VAWEP project has developed components on domestic violence issues for each of these overview programs. Generally the Family Law Overview includes courses on the effects of domestic violence on children and an overview of domestic violence law. The Criminal Law Overview includes a segment on criminal procedure in domestic violence cases. The Juvenile Law Overview includes a course on the effects of domestic violence on children in dependency and delinquency proceedings. The project will offer an inaugural component at the Probate Law Overview on the issuance of restraining orders when elder abuse is a factor. The following overview courses are offered during the grant cycle:

January 2009 Criminal Law Overview
 Family Law Overview
 Juvenile Law Overview
 Monterey

June 2009 Criminal Law Overview
 Family Law Overview

Probate Law Overview
San Francisco

September 2009 Criminal Law Overview
Family Law Overview
San Francisco

Judicial Institute Trainings (November 2008, Aprils and May 2009)

Domestic violence-related courses are included as part of the Family Law Institute in April and the Cow County Judges Institute in May. A domestic violence course on cultural issues was offered during the first institute dedicated to women of color in the courts. The project also supports courses given at the Family Dispute Resolution (FDR) Statewide Conference in April in conjunction with the Family Law Institute. These Judicial Institute trainings and educational events provide information specific to target audiences. For example, the Cow County Judges Institute is specifically designed for rural judges, and the Family Law Institute is for judicial officers assigned to family law cases. The detailed course descriptions follow.

Women of Color in the Courts Institute, November 2008

Women of Color and Domestic Violence. The Women of Color in the Courts Institute is a unique opportunity to bring together women of color and other interested parties to discuss the emerging roles of women of color in the California judiciary and legal community. The workshop on domestic violence explores ways of improving services to victims of domestic violence from underserved populations by considering court leadership, effective means to reach out to community justice system partners, ways to provide better explanations to the litigants on the court process, and a host of other related practices.

Family Law Institute, April 2009

Domestic Violence and Civil Harassment Orders: Nuts and Bolts. This workshop focuses on the nuts and bolts of issuing domestic violence restraining orders as well as civil harassment orders and the distinctions between the two statutory schemes. The course includes an overview of the statutory requirements relating to these orders and their modifications or terminations.

Domestic Violence and Custody-Assessing the Risk. This course, designed for judicial officers and family court services professionals, presents an analytical process for assessing risk in custody cases in which domestic violence is a factor. Using a series of case scenarios that reflect a variety of domestic violence fact patterns arising in different contexts, the course contains an

analysis of the role of the court, and the statutory requirements and considerations.

Family Dispute Resolution Statewide Conference, April 2009

Interviewing Children Exposed to Domestic Violence. This course describes research-based techniques for increasing the accuracy and completeness of children's reports about domestic violence incidents. Discussion focuses on the best means of building rapport, minimizing suggestibility, increasing honesty, and increasing completeness. The course provides an opportunity to both discuss research findings and watch excerpts of interviews with children questioned about violence and abuse.

Cow County Judges Institute, May 2009

Restraining and Protective Orders—An Interdisciplinary Approach. This workshop provides an overview of all restraining orders, including the specific distinctions between protective and restraining orders. The workshop is designed especially for rural court judges who are often requested to review applications for orders in various case types.

Domestic Violence and Judicial Ethics. Judges and commissioners are expected and encouraged to engage in community activities and outreach within the limits of the law and ethical standards. This is especially true in cases involving allegations of domestic violence because of the presence of justice system partners and services. This course focuses on these issues in the context of domestic violence using a series of hypotheticals highlighting media inquiries, legislative activities, educational activities, and membership in domestic violence councils.

Judicial Decisionmaking in Sexual Assault Cases. Sexual assault cases require the judge to be familiar with a unique body of substantive and procedural law that is not necessarily applicable in other criminal cases. In this workshop, faculty explains many of the unique statutory procedures related to the handling of sexual assault cases during pretrial, trial, and posttrial sentencing. The workshop also includes a review of relevant procedures under the sexually violent predator law.

Roundtable Discussion on Tribal Issues (December 2008)

This roundtable discussion provides a forum for discussion for judges and commissioners in juvenile dependency and delinquency assignments about Native American victims of domestic violence. The goal of the roundtable is to identify ways in which Native American victims can be better served in these cases. The discussion

emphasizes the scope of the problem, possible barriers to safety and to court access, historical issues, factors that may lead to a reluctance to report domestic violence, the need for adequate and culturally respectful services, and the need to understand Native American culture and sovereignty. The roundtable uses a case scenario involving one family to spark discussion. Participants will also consider the role of the juvenile court in the community to address these issues.

Ethics and Self-Represented Litigants in Domestic Violence Cases (May 2009)

This 1.5-day course focuses on general judicial ethics issues that arise in domestic violence cases such as disqualification, disclosure, ex parte communication, and community outreach, as well as application of the canons of ethics in the context of the increasing numbers of self-represented litigants that judicial officers are seeing in domestic violence cases. The course provides an opportunity to demonstrate and practice demeanor and communications skills during a videotaping and feedback session.

Domestic Violence and the Courts 2009: Focus on Firearms Relinquishment and Criminal Procedure (June 2009)

Selected guidelines and practices from the final report of the Domestic Violence Practice and Procedure Task Force are the focus of the two court meetings in locations in Southern and Northern California. The focus of the meetings includes criminal procedure for domestic violence cases, firearms relinquishment, and communication between family and criminal law components about domestic violence restraining and protective orders. The meetings provide local courts with an opportunity to refine task force implementation plans at the local level, obtain technical assistance, share information, and engage in dialogue about the firearms relinquishment and criminal procedure guidelines and practices. Additional topics are the identification of potential barriers to implementation of these guidelines and practices and successful local court programs and initiatives.

Domestic Violence Awareness and Sexual Assault Courses, Judicial College (August 2009)

Two courses on issues of domestic violence are part of the nationally recognized B. E. Witkin Judicial College of California, a program providing comprehensive education for all new superior court judges, commissioners, and referees. The courses provide background information on domestic violence and guidance for judicial decisionmaking in sexual assault cases. The courses include:

Domestic Violence Awareness. This course provides a general understanding not only of the “nuts and bolts” of domestic violence laws, but also of the dynamics of domestic violence. The course emphasizes laws uniquely applicable in domestic violence trials; the mechanics of issuing, modifying,

and terminating criminal and civil restraining orders; and practical problems that arise in sentencing in domestic violence cases. This course is mandatory for all judicial college participants.

Criminal Sexual Assault. This course considers issues unique to trials involving sex crimes. Topics include juror selection, experts, selected evidentiary statutes, and procedures for victim protection.

Native American Communities Justice Project—Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking, Teen Dating Violence, and Elder Abuse (Ongoing in 2009)

VAWEP will launch a short-term project designed to enhance access to and improve the administration of justice for Native American victims of domestic violence, sexual assault, stalking, teen dating violence, and elder abuse. Drawing on community expertise and guidance, the project engages Native American communities in identifying needs relating to domestic violence, sexual assault, stalking, teen dating violence, and elder abuse issues. The project also involves collaboration with tribes and community members to gather information about, and develop strategies to address the needs of Native American victims.

Phase I of the project involves local community meetings facilitated by Native American community consultants designed to achieve the following goals:

- Identify issues of concern to the communities and gather available related information and data;
- Discuss the meaning of the data collected;
- Identify the “justice gaps” that impede meaningful access to tribal and state courts;
- Identify factors that present barriers to the fair administration of justice in proceedings related to domestic violence, sexual assault, stalking, teen dating violence, and elder abuse;
- Identify programs and strategies that provides effective access to justice; and
- Develop strategies to better address the needs of Native American victims of family violence.

Phase II of the project convenes a statewide meeting of Native American community representatives to present results from the data identified and gather during the local meetings to discuss how to prioritize and address the identified needs.

Domestic Violence Safety Partnership Program (Ongoing in 2009)

Under the auspices of the Domestic Violence Safety Partnership (DVSP) project, VAWEP provides targeted, local technical assistance to applicant courts that have an identified need for training. DVSP distributes a self-assessment tool that enumerates required procedures and recommended practices and provides training and technical assistance based on the issues identified. In the past, VAWEP has received many requests from courts about specific information needs, which can range from understanding warning signs for lethality in domestic violence cases to improving communication between the many types of courts that may be involved in a particular case. To date, DVSP has provided to trial courts more than 38 instances of technical assistance or local educational support.

The project provides experts whose specialties vary based on the need of the specific court. This assistance is accomplished by delivering a substantive expert to speak to the issues at hand, providing speakers at AOC trainings with expertise in issues related to violence against women, or facilitating a peer-mentoring meeting in which courts come together to learn about individual best practices. Recipients of this assistance are asked to evaluate what they have received.

Curriculum Development and Publications

VAWEP distributes the following curricula, publications, and other resource materials:

Judges Guide to Domestic Violence Cases—(Next revision scheduled for 2009)

VAWEP updates the judges' guide as needed. This practical judges' handbook covers the following components:

- Emergency Protective Order (EPO) Quick Reference Guide
- California Protective Orders
- Firearms and Full Faith and Credit
- Immigration and Domestic Violence
- Stalking

The five components of this guide have been consolidated into one volume for easy reference and accessibility. They can also be used separately and are updated separately. Each component focuses on the information, case law, and statutes that judicial officers need to know in the relevant subject area. Revisions to any component of the guide are posted on a Web site designed for judicial officers.

Domestic Violence Newsletter

The inaugural issue of the newsletter, *Domestic Violence Update*, was released during the 2006–2007 grant year. The project plans to continue to produce newsletters on a

periodic basis to disseminate current information about domestic violence, sexual assault, stalking, teen dating violence, and elder abuse issues to all judicial officers. Future newsletters will include information on new laws and forms, pending legislation, recommended best practices, and a calendar of educational events. The *Domestic Violence Update* newsletter provides readers current information on domestic violence issues in California.

Annual Report and Fact Sheet

Project staff develops an updated annual report and this fact sheet to highlight key efforts the project has undertaken as well as judicial and court responses to those efforts. These documents are distributed to provide project information to judicial branch professionals and the public. As educational tools, they focus on suggested practices and innovative approaches.

Further Information

For additional information about VAWEP activities, please contact:

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